



Advocates for Workplace Fairness

October 20, 2017

**Via ECF and Email (mmccrd@cand.uscourts.gov)**

The Honorable Maxine C. Chesney  
United States District Court  
Northern District of California  
San Francisco Courthouse  
Courtroom 7, 19th Floor  
450 Golden Gate Avenue  
San Francisco, CA 94102

Re: *Perez, et al. v. Wells Fargo Bank, N.A.*, No. 17 Civ. 454 (MMC)

Dear Judge Chesney:

We represent Plaintiffs in the above-captioned civil rights matter and proposed class action. We write per the parties' October 17 telephone conference with Tracy Lucero, Your Honor's Calendar Clerk & Courtroom Deputy, to respectfully request an assignment to a magistrate judge to resolve several discovery disputes that have arisen in this matter. The Court's Standing Order ¶ 5, and this matter's Joint Pretrial Preparation Order, ECF No. 84, provide that discovery matters will be referred to a magistrate judge, however a magistrate has not yet been specifically assigned. Plaintiffs accordingly request an assignment. A summary of the parties' discovery disputes is set forth below.

Plaintiffs' counsel has either met and conferred or attempted to meet and confer with Wells Fargo's counsel on several occasions by telephone and by email. To date, Plaintiffs have responded to Wells Fargo's interrogatories and document requests and have produced approximately 662 pages of responsive documents, including emails, on behalf of five of the six individual named Plaintiffs. Wells Fargo, by contrast, nearly three months after Plaintiffs first served their document requests, has yet to produce a single responsive document in this matter. Plaintiffs request an assignment to a magistrate judge for the following discovery disputes, on which the parties have reached impasse:

1. Whether Plaintiffs are entitled to class discovery consistent with their proposed class definition, which applies to all Wells Fargo credit lines rather than to only those sought by the named individual Plaintiffs. This overarching dispute applies to virtually all of Plaintiffs' document requests;

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2. Whether Wells Fargo may refuse to produce organizational charts reflecting the corporate organizational structure of Wells Fargo and the job roles and/or titles of Wells Fargo employees involved in determining credit worthiness or risk (document request No. 8); and
3. Whether Wells Fargo may refuse to comply with the requirements under Federal Rule of Civil Procedure 26(f) and the Northern District's ESI Guidelines and ESI meet and confer checklist by refusing to disclose, reveal, or discuss any information regarding ESI because, as Wells Fargo contends, "this is not an ESI case." Despite this assertion, Wells Fargo claims it in the process of producing certain ESI, but refuses to meet and confer on, e.g., emails or databases that clearly contain information and documents responsive to Plaintiffs' discovery requests. In addition to their motions to compel, Plaintiffs reserve their right to move for sanctions against Wells Fargo for refusing to engage in a good-faith meet and confer process pursuant to Fed. R. Civ. P. 37(d) and Civil L.R. 37-4.

Thank you for your consideration of this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "P. David Lopez", with a stylized flourish at the end.

Patrick David Lopez

cc: All counsel of record via ECF & Email